# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/814,299 | 04/01/2004 | Mikio Oomori | 04329.3297 | 8613 |

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| EXAMINER |
|---|
| RAHMAN, FAHMIDA |

| ART UNIT | PAPER NUMBER |
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| 2116 | |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|---|---|---|
| 3 MONTHS | 04/20/2007 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 10/814,299 | OOMORI, MIKIO |
| | Examiner | Art Unit | |
| | Fahmida Rahman | 2116 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on <u>23 January 2007</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) *1-5 and 7-10* is/are pending in the application.

    4a) Of the above claim(s) *8 and 9* is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-4,7 and 10* is/are rejected.

7) ☒ Claim(s) *5* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some *   c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

## DETAILED ACTION

1.    This final action is in response to communications filed on 1/23/2007.

2.    Claims 1-5, 7, 10 have been amended, claim 6 has been cancelled, claims 8-9

have been withdrawn and no new claims have been added. Thus, claims 1-5, 7, 10 are

pending.

## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.    Claims 1, 3, 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Gold

(US Patent Application Publication 2002/0101711).

For claim 1, Gold teaches the following limitations:

**A setup support system which supports setup** (Fig 7-Fig 8) **of a computer** (100),

**including installation** ([0075] mentions that Fig 5 shows a format of 204, upon which

OSs are stored. [0084] mentions that 500 is assigned to RAID 1 and 501 is assigned to

RAID 5. Therefore OSs of 204 are installed on RAID) **of an operating system** (503) **to**

**be installed in a plurality of storage mediums** (Fig 4) **where a RAID configuration**

**is to be constructed** (Fig 4), **comprising: a physical access unit** (208) **configured**

to execute physical access to the storage mediums ([0074], [0085]) **without
intervening the operating system** (503 is not intervened in normal situation as
mentioned in [0075]); **an interface unit configured to execute input operations for
configuration setup of the computer, including construction of the RAID
configuration, at once** (Fig 7 shows that system disk is loaded into 701, which is used
to execute input operations for configuring the setup including construction of RAID
configuration as shown in 702 and 703); **a setting parameter management unit
configured to store setting parameters representing input setting contents in at
least one of the storage mediums** ([0083] mentions that the system disk is loaded into
first bay. Thus, the first physical disk stores the system disk that comprises setting
parameters representing input setting contents) **before the construction of the RAID
configuration by using the physical access unit** (step 701 in Fig 7 loads the system
disk, which is before creating RAID volume); **a medium setting unit configured to
construct the RAID configuration** (702, 703) **while accessing the setting
parameters stored in the at least one of the storage mediums** ([0083] mentions that
system disk is replicated itself into a more redundant form in a RAID 1 volume and data
is copied from RAID 1 to RAID 5) **by using the physical access unit; and a setup
unit configured to execute setup of the computer after the construction of the
RAID configuration, including generation of disk partition in each of the storage
mediums where the RAID configuration is constructed** ([0083] and [0084] mention
that RAID 1 and RAID 5 are created first and then data is copied to produce RAID 1
with partition 500 and RAID 5 with partition 501) **and installation of the operating**

**system** (OS is completely installed when RAID 1 has partition 500 and RAID 5 has

partition 501, since 500 comprises the emergency OS and 501 provides data for 500 as

mentioned in [0066]), **while accessing setting parameters stored in the at least one**

**of the storage mediums by using the physical access unit** (the system disk with

setting parameters are necessary to generate partition and 208 has the ultimate control

on RAID management).

For claim 3, [0091] mentions that the file is created after successful initialization of RAID

by management module. Therefore, the medium setting unit, which is the part of

management module, stores status data representing a progress situation of the

construction of RAID. This file is read out by the physical access unit, which is part of

management module, when system cannot be booted.

For claim 10, Gold teaches the following limitations:

**A setup support method of supporting setup** (Fig 7-Fig 8) **of a computer** (100),

**including installation** ([0075] mentions that Fig 5 shows a format of 204, upon which

OSs are stored. [0084] mentions that 500 is assigned to RAID 1 and 501 is assigned to

RAID 5. Therefore OSs of 204 are installed on RAID) **of an operating system** (503) **to**

**be installed in a plurality of storage mediums** (Fig 4) **where a RIAD construction is**

**to be executed** (Fig 4), **the method comprising: executing input operations for**

**configuration setup of the computer, including construction of RAID**

**configuration, at once** (Fig 7 shows that system disk is loaded into 701, which is used

to execute input operations for configuring the setup including construction of RAID configuration as shown in 702 and 703); **storing setting parameters representing input setting contents in at least one of the storage mediums** ([0083] mentions that the system disk is loaded into first bay. Thus, the first physical disk stores the system disk that comprises setting parameters representing input setting contents) **before construction of the RAID configuration** (step 701 in Fig 7 loads the system disk, which is before creating RAID volume) **without intervening the operating system** (503 is an emergency OS, which is not used normally); **constructing the RAID configuration** (702, 703) **while accessing the setting parameters** ([0083] mentions that system disk is replicated itself into a more redundant form in a RAID 1 volume and data is copied from RAID 1 to RAID 5) **without intervening the operating system** (emergence OS is not intervened when primary OS has control); **and executing setup of the computer after the construction of the RAID configuration, including generation of a disk partition in each of the storage mediums where the RAID configuration is constructed** ([0083] and [0084] mention that RAID 1 and RAID 5 are created first and then data is copied to produce RAID 1 with partition 500 and RAID 5 with partition 501) **and installation of the operating system** (OS is completely installed when RAID 1 has partition 500 and RAID 5 has partition 501, since 500 comprises the emergency OS and 501 provides data for 500 as mentioned in [0066]), **while accessing the setting parameters without intervening the operating system** (the system disk with setting parameters are necessary to generate partition and emergency OS is not intervened).

## Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.      Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gold (US Patent Application Publication 2002/0101711).


For claim 4, Gold does not teach convert setting parameter into a data format under

management of the OS. However, Fig 10 shows that RAID 5 volume can fail. The

system can be re-booted to re-create RAID 5. Thus, the emergency OS can be used for

booting. Then, the setting parameters would be stored in RAID 5 under the

management of emergency OS, which requires corresponding data format.


For claim 7, Gold does not teach storing OS in RAID 5. It only stores in RAID 1. If we

concentrates the configuration of RAID 1 only for the two disks, then it is evident that

the OS is stored in each of the two disks of RAID 1, where the storage mediums

comprise the two disks of RAID-1.


5.      Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gold (US

Patent Application Publication 2002/0101711), in view of Bonola (US Patent 5913058).

Gold does not teach BIOS to access the storage. However, Gold accesses the storage

as a part of OS installation routine ([0074]). Therefore, it is likely that the initialization is

part of BIOS. Bonola teaches that BIOS can access storage by invoking int 13h (lines

55-65 of column 5). One ordinary skill would be motivated to have BIOS program to

access physical storage as OS is not available at the beginning of booting.

## Allowable Subject Matter

Claim 5 is objected to as being dependent upon a rejected base claim, but would be

allowable if rewritten in independent form including all of the limitations of the base

claim and any intervening claims.

## Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s)

of rejection.

## Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A

shortened statutory period for reply to this final action is set to expire THREE MONTHS

from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed

until after the end of the THREE-MONTH shortened statutory period, then the shortened

statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fahmida Rahman whose telephone number is 571-272-8159. The examiner can normally be reached on Monday through Friday 8:30 - 5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rehana Perveen can be reached on 571-272-3676. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fahmida Rahman
Examiner
Art Unit 2116

THUAN N. DU
PRIMARY EXAMINER

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